

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SOUTHWESTERN BELL TELEPHONE	)	
COMPANY, BELL SOUTH	)	
TELECOMMUNICATIONS, INC.,	)	
ILLINOIS BELL TELEPHONE	)	
COMPANY, NEVADA BELL	)	
TELEPHONE COMPANY, PACIFIC	)	
BELL TELEPHONE COMPANY,	)	
WISCONSIN BELL, INC.	)	Civil Action No. 3:10-CV-01498-O
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
NEXT-G COMMUNICATION, INC.	)	
	)	
Defendant.		

**EXHIBIT LIST STATEMENT**

Plaintiffs Southwestern Bell Telephone Company, BellSouth Telecommunications, Inc., Illinois Bell Telephone Company, Nevada Bell Telephone Company, Pacific Bell Telephone Company and Wisconsin Bell, Inc. (referred to herein as “Plaintiffs”) and Defendant Next-G Communication, Inc. (referred to herein as “Defendant”) (and collectively referred to as “the Parties”) provide the following Exhibit List Statement as required by the Court’s Scheduling Order ¶ 8(c) (Dkt. 20).

**I. The Parties Agree to the Admissibility of the Following Exhibits on Plaintiffs’ Exhibit List**

Exhibit	Description
ATT-2	Beth Dale Deposition Exhibit 2, Amended Complaint (Doc. 40), dated May 6, 2011
ATT-3	Beth Dale Deposition Exhibit 3, Defendant’s Response to Plaintiffs’ First Request for Production of Documents to Defendant Next-G Communication, Inc., dated December 13,

	2010, with documents bates-labeled NG-000140-161
ATT-8	Beth Dale Deposition Exhibit 8, Next-G Calling Cards and Advertisements (NG_000187-206)
ATT-10	Beth Dale Deposition Exhibit 10, Next-G Call Flow Diagrams (APPX 130-131)
ATT-11	Defendant's Response to Plaintiffs' First Set of Interrogatories to Defendant Next-G Communication, Inc., dated December 6, 2010
ATT-12	Beth Dale Deposition Exhibit 12 (NG-003023-24), Voice Service Order Form Between Next-G Communication, Inc. and Time Warner Telecom, signed by Next-G on April 24, 2007 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (APPX 1-2)
ATT-13	Beth Dale Deposition Exhibit 13 (NG-003017-19), Voice Service Order Form Between Next-G Communication, Inc. and Time Warner Telecom, signed by Next-G on April 28, 2008 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (APPX 3-5)
ATT-14	Beth Dale Deposition Exhibit 14 (TW0001386-90), Voice Service Order Form Between Next-G Communication, Inc. and Time Warner Telecom, signed by Next-G on February 14, 2007 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (APPX 6-10)
ATT-17	Beth Dale Deposition Exhibit 17 (NG000162-179, VZ0000012-17, VZ0000034-39), Contracts Between Next-G Communication, Inc. and Verizon, signed by Next-G on October 28, 2002 and January 25, 2006 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (APPX 11-40)
ATT-18	Beth Dale Deposition Exhibit 18, Letter from Demetrios G. Metropoulos to Taj Khwaja of Next-G Communication, Inc. dated August 18, 2009 (NG_00032-33)

ATT-19	Beth Dale Deposition Exhibit 19, Letter from Bob Robertson to Taj Khwaja of Next-G Communication, Inc. dated October 28, 2009 (NG_000024-29)
ATT-20	Beth Dale Deposition Exhibit 20, Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Access Service, Section 5 (ATT_NG00048837-48856, ATT_NG00051227-51293, ATT_NG00048941)
ATT-21	Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Access Service, Sections 1 and 2 (ATT_NG00051002-51226, ATT_NG00048940)
ATT-22	Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Access Service, Section 6 (ATT_NG00051294-51611, ATT_NG00048942-48947)
ATT-24	Beth Dale Deposition Exhibit 24, Answer to Amended Complaint (Doc. 42), dated May 20, 2011
ATT-26	Demonstrative Exhibit Showing Flow of Local and Long-Distance Calls in Plaintiffs' Networks <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (ATT_NG00056671-72)
ATT-27	Zulfiqar Ali Deposition Exhibit 27, Emails and documents from Zulfiqar Ali's personal laptop computer <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b> (NG-003142-3163)
ATT-28	Defendant's Response to Plaintiffs' First Set of Interrogatories to Defendant Next-G Communication, Inc., dated December 13, 2010
ATT-29	Defendant's Supplemental Response to Interrogatory No. 9 of Plaintiffs' First Set of

	Interrogatories to Defendant Next-G Communication, Inc., dated June 24, 2011
ATT-30	Attachment C to the Declaration of Amie Boyce, Links to the AT&T LECs Interconnection Agreements (“ICAs”) (APPX 183-188)
ATT-31	Verizon Select Services (July 1, 2009) Plaintiffs/Verizon Select Services ICA ATT_NG00041146-41260
ATT-32	Texas (Nov. 21, 2010) Plaintiffs/Verizon ICA ATT_NG00005843-5936
ATT-33	Texas (November 14, 2010) Plaintiffs/Verizon Interconnection Agreement (“ICA”) (ATT_NG00008720-8779)
ATT-34	Texas (July 1, 2009) Plaintiffs/Verizon ICA (2) ATT_NG00023883-24619, ATT_NG00016961-17399
ATT-35	Missouri (November 14, 2010) Plaintiffs/Verizon ICA ATT_NG00007578-7637
ATT-36	Kansas (November 14, 2010) Plaintiffs/Verizon ICA (2) ATT_NG00013483-13542, ATT_NG00018802-18871
ATT-37	Missouri (November 14, 2010) Plaintiffs/Verizon ICA ATT_NG00012497-12573
ATT-38	Texas (November 14, 2010) Plaintiffs/Verizon ICA ATT_NG00023706-23882
ATT-39	Arkansas (November 14, 2010) Plaintiffs/Verizon ICA ATT_NG00016081-16141
ATT-40	Missouri (September 12, 2010) Plaintiffs/MCI ICA ATT_NG00021701-22343
ATT-41	Texas (July 1, 2009) Plaintiffs/MCI ICA ATT_NG00014449-14898
ATT-42	Oklahoma (July 1, 2009) Plaintiffs/MCI ICA

	ATT_NG00013075-13482
ATT-43	Kansas (April 19, 2009) Plaintiffs/MCI ICA ATT_NG00020264-20694
ATT-44	Arkansas (July 1, 2009) Plaintiffs/MCI ICA ATT_NG00008124-8659
ATT-45	Arkansas (July 1, 2009) Plaintiffs/MCI ICA (2) ATT_NG00007045-7577, ATT_NG00011324-11856
ATT-46	Arkansas, Kansas, Missouri, Oklahoma, Texas (August 2011) Plaintiffs/Time Warner Telecom ICAs
ATT-47	Kansas (April 8, 2010) Plaintiffs/Time Warner Telecom ICA ATT_NG00028064-28463
ATT-48	Missouri (March 1, 2010) Plaintiffs/Time Warner Telecom ICA ATT_NG00031246-31733
ATT-49	Texas (July 1, 2009) Plaintiffs/Time Warner Telecom ICA ATT_NG00039335-39793
ATT-50	Texas (October 22, 2009) Plaintiffs/Time Warner Telecom ICA ATT_NG00036101-36509
ATT-51	Arkansas (July 1, 2009) Plaintiffs/Time Warner Telecom ICA ATT_NG00031734-32234
ATT-52	Missouri (August 9, 2010) Plaintiffs/Time Warner Telecom ICA ATT_NG00037983-38463
ATT-53	Kansas (July 1, 2009) Plaintiffs/Time Warner Telecom ICA ATT_NG00030833-31245
ATT-54	Pacific Bell Telephone Company FCC Access Service Tariff No. 1, Sections 1, 2, 5, and 6 (ATT_NG00050543-51001, ATT_NG00048930-39)
ATT-55	Nevada Bell Telephone Company FCC Access Service Tariff No. 1, Sections 1, 2, 5 and 6 (ATT_NG00050216-50542; ATT_NG00048926-29)

ATT-56	Ameritech FCC Access Service Tariff No. 2, Sections 1, 2, 5 and 6 (ATT_NG00048978-49501, ATT_NG00048902-910)
ATT-57	BellSouth FCC Access Service Tariff No. 1, Sections 1, 2, 5 and 6 (ATT_NG00049502-50215, ATT_NG00048911- 48925)
ATT-58	Arkansas Intrastate Access Tariff, Sections 1-3, 5, and 6 (ATT_NG00051882-52394)
ATT-59	Kansas Intrastate Access Services Tariff, Sections 1, 5, and 6 (ATT_NG00053986-54026 and ATT_NG00048952-48954)
ATT-60	Missouri Intrastate Access Tariff, Sections 1-3, 5 and 6 (ATT_NG00054858-55164)
ATT-61	Oklahoma Intrastate Access Services Tariff, Sections 1-3, 5 and 6 (ATT_NG00055623-55947, ATT_NG00048957-48974)
ATT-62	Texas Intrastate Access Tariff, Sections 1, 2, and 5 (ATT_NG00056516-56659, ATT_NG00048975-48977)
ATT-63	California Intrastate Access Tariff, Sections 1, 2, 5, and 6 (ATT_NG00052395-52835, ATT_NG00048948)
ATT-64	Nevada Intrastate Access Tariff, Sections 1, 2, 5 and 6 (ATT_NG00055165-55376)
ATT-65	Illinois Intrastate Access Services Tariff No. 21, Sections 1, 2, 5 and 6 (ATT_NG00053406-53985, ATT_NG00048949-48951)
ATT-66	Alabama Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00051612-51881)
ATT-67	Florida Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00052836-53110)
ATT-68	Georgia Intrastate Access Services Tariff, Sections E1, E2, E5, and E6 (ATT_NG00053111-53405)
ATT-69	Kentucky Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00054027-54314)
ATT-70	Louisiana Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00054315-

	54582)
ATT-71	Mississippi Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00054583-54857, ATT_NG00048955-56)
ATT-72	North Carolina Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00055377- 55622)
ATT-73	South Carolina Intrastate Access Services Tariff, Sections E1, E2, E5 and E6 (ATT_NG00055948- 56246)
ATT-74	Tennessee Intrastate Access Services Tariff, Sections E1, E2, E5, and E6 (ATT_NG00056247- 56515)
ATT-75	Call Detail Records received from Allison Rule on August 4, 2011 and NG-207-2613 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b>
ATT-78	FCC 2010 Trends in Telephone Service, first 11 pages of the document (this includes the Cover page, table of contents, and Table 1.2 at page 1-4)
ATT-79	Memorandum of Understanding between AT&T LECs and Time Warner Telecom (ATT_NG00056660-61) <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b>
ATT-80	Agreement between AT&T LECs and Time Warner Telecom (ATT_NG00056662-70) <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b>
ATT-88	Next-G Damages (Demonstrative) ATT_NG00056674 <b>(CONFIDENTIAL and SUBJECT TO PROTECTIVE ORDER)</b>

**II. Defendant Objects to the Admissibility of the Following Exhibits on Plaintiffs' Exhibit List**

<b>Exhibit</b>	<b>Basis for Objection</b>
ATT-1	Hearsay report of purported expert who will be able to testify at trial as to her opinions. The documents referenced in her report are also hearsay and may be inadmissible if not properly authenticated at trial.
ATT-4	Hearsay; Relevance.
ATT-5	Authentication; Hearsay.
ATT-6	Authentication; Hearsay.
ATT-7	Hearsay; Relevance; Authentication.
ATT-9	Hearsay. Inadmissible summary prepared by Plaintiffs. Summary prepared in anticipation of litigation and does not constitute admissible evidence.
ATT-15	Hearsay.
ATT-16	Hearsay. Inadmissible summary prepared by Plaintiffs. Summary prepared in anticipation of litigation and does not constitute admissible evidence.
ATT-23	Hearsay. Inadmissible summary prepared by Plaintiffs. Summary prepared in anticipation of litigation and does not constitute admissible evidence.
ATT-25	Hearsay.
ATT-76	Authentication.
ATT-77	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-81	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-82	Hearsay; Relevance.



ATT-83	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-84	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-85	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-86	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-87	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-89	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.
ATT-90	Hearsay; Authentication. Inadmissible summary prepared by Plaintiffs in anticipation of litigation and does not constitute admissible evidence.

Dated: November 21, 2011

NEXT-G COMMUNICATION, INC.

By: /s/ Allison D. Rule

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE  
COMPANY, *et al.*

By: /s/ Demetrios G. Metropoulos

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on November 21, 2011, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court through ECF, which provides service on each party who is a registered ECF user, including the counsel listed below.

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By: /s/ Demetrios G. Metropoulos